

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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| FERNANDO G. LOPEZ, AN-1753, |) | |
| Plaintiff(s), |) | No. C 13-3870 CRB (PR) |
| v. |) | ORDER DIRECTING U.S. MARSHAL TO SERVE DEFENDANTS AT CITY OF SANTA CLARA POLICE DEPARTMENT |
| SERGEANT CLOUS, et al., |) | |
| Defendant(s). |) | |

Plaintiff, a prisoner at San Quentin State Prison (SQSP), filed a pro se complaint under 42 U.S.C. § 1983 alleging that on September 21, 2011, while he was driving on Southwest expressway and Liegh Avenue in San Jose, Santa Clara County “police officers” pulled him over, threw him out of his car and on to the ground, and proceeded to assault and beat him. Plaintiff specifically alleges that Sergeant Clous and officers Nick Nguyen, Ken Henderson, Aric Enos, Justin Mead, Luis Martin and John Pate “beat me severely by punching me, and kicking me repeatedly to the point of me losing consciousness and then continued to punch and kick my face in.” Compl. at 3.

Per order filed on December 17, 2013, the court found that, liberally construed, plaintiff's allegations state a cognizable § 1983 claim against Sergeant Clous and officers Nick Nguyen, Ken Henderson, Aric Enos, Justin Mead, Luis Martin and John Pate, who the attachments to the complaint suggest are Santa Clara County deputy sheriffs, and ordered the U.S. Marshal to serve them at the Santa Clara County Sheriff's Office.

1 The Santa Clara County Sheriff's Office recently informed the court that
2 none of the named defendants work for the sheriff's office and probably are
3 "police officers" with the City of Santa Clara Police Department. Good cause
4 appearing therefor, the clerk shall issue summons and the United States Marshal
5 shall serve, without prepayment of fees, copies of the complaint in this matter, all
6 attachments thereto, and copies of this and all other orders on the following
7 defendants at the City of Santa Clara Police Deparmtent: Sergeant Clous
8 (#C6627) and officers Nick Nguyen (#N8081), Ken Henderson (#H9643), Aric
9 Enos (#E8459), Justin Mead (#M5399), Luis Martin (#M642) and John Pate
10 (#P0244). The clerk also shall serve a copy of this order on plaintiff.

11 SO ORDERED.

12 DATED: Jan. 15, 2014



CHARLES R. BREYER
United States District Judge